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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,475	06/20/2001	Jeffrey A. Bedell	53470.003013	9579

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EXAMINER

WRIGHT, NORMAN M

ART UNIT PAPER NUMBER

2134

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/884,475

Applicant(s)

BEDELL ET AL.

Examiner

Norman M. Wright

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/12/16
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**NORMAN M. WRIGHT**  
**PRIMARY EXAMINER**

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. The affidavit filed on 8/10/06 under 37 CFR 1.131 is sufficient to overcome the Wagner reference.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-6-8, 10-16 and 19-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Welland et al., U.S. Pat. No. 5, 247, 677, hereinafter '677.

As per claims 1-2,4-8,10-16 and 19-21, '677 teaches an implementation method /system of queue management and task scheduling comprising: a system processing multiple incoming jobs in a reporting system comprising: assigning each incoming job a priority, and servicing each job based upon the priority and a servicing scheme, at least one attribute/ field/value 27, a request or job, servicing/scheduling based upon priority, servicing formula, first in first out 'fifo', formula altered on scheduled basis /time slice, scheduling job for later /pre-emptive, sub-queues and placement of jobs and their execution, assigning based upon priority function, priority value and variables/ context, a plurality of sub-queues, assigning threads /links, moving threads /links, fair share (abs., figs.1-5, background and summary, col. 1, lines 10-15 et seq., col. 1, lines 28-30 et seq., fig. 4, col. 3, lines 38 et seq., col. 4, lines 44-60 et seq., col. 2, lines 50 et seq.,

col. 4, lines 6 et seq., fig. 8, col. 7, lines 40 et seq., fig. 5, col. 7, lines 1-20 et seq., col. 8, lines 10 et seq.).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over '677 as applied to claims 1-2,4-8,10-16, and 19-21 above, and further in view of the taking of official notice.

As per claims 22-24, '677 do not explicitly teach the computer readable medium comprising code to produce said method on a computer. The examiner takes official notice of the both the modification and motivate required to embody a computer method or process on a computer readable medium. It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the invention of '677, with a means of encoding the process/method on a computer readable medium as a program to be executed. One of ordinary skill in the art would have been motivated to perform such a modification, because, a person of ordinary skill in the art would have readily envisaged that a program method or process to be executed on a computer, must be stored into said computer or on a medium that the computer may read. A person of ordinary skill in the art would have chosen to place the computer method or process on a computer readable medium because it is the convention in the art. Moreover, a

person of ordinary skill in the art would have readily realized that computer inventions are routinely stored as program on media, or as firmware, or software for the convenience it affords. And further because, by placing a program on a medium a person may have a ready backup and a convenient means of transported said process or method.

6. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over '677 as applied to claims 1-2,4-8,10-16, and 19-21 above, and further in view of Sziam et al., U.S. Patent 5, 594, 791, hereinafter '791.

As per claims 9 and 17, '677 do not explicitly teach the use of an administer override. '677 teach a customer at summary and col. 5, lines 10 et seq. seq. that a system administrator may override a servicing schedule. It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the invention of '677, with a means of allowing a system administrator to alter the scheduling formula, as recited by '791. One of ordinary skill in the art would have been motivated to perform such a modification, because, a person of ordinary skill in the art would have readily envisaged that a variable or field for allowing an administrator to change the scheduling of a queue program would afford produce a more flexible and efficient system. A person of ordinary skill in the art would have chosen to augment the computer method or process with a means of allowing for a greater control and flexibility of operations. Moreover, a person of ordinary skill in the art would have realized that the computer inventions are from the same field of endeavor and are related to the same problem, the managing a queue effectively. Since each queue has values representing various

values and different queues and operations, an administrator could easily determine or pre-empt operations as desired ('791 at col. 5, lines 13 et seq., and '677 at col. 3, lines 28 et seq.).

7. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over '677 as applied to claims 1-2,4-8,10-16, and 19-21 above, and further in view of Bigus, U.S. Patent 5,442,730, hereinafter '730.

8. As per claim 3, '677 do not explicitly teach the use of the estimated cost of a job as a parameter. '730 teach the use of a queue utilizing a cost parameter in a prioritizing system see figs. 2-3.

It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the invention of '677, with a means of allowing a queuing system to prioritize operations based upon a cost parameter, as taught by '730. One of ordinary skill in the art would have been motivated to perform such a modification, because, a person of ordinary skill in the art would have envisaged that a variable or field may represent any parameter as the user desires to change the scheduling of a queue or the prioritization of a queue. A person of ordinary skill in the art would have chosen to augment the computer method or process '677 with a means of allowing for a greater control and flexibility of operations based upon a cost parameter. A person of ordinary skill in the art would have realized that the computer inventions are from the same field of endeavor and are related to the same problem, the managing a queue effectively. Since each queue has values representing various values and different queues and

Art Unit: 2134

operations, an administrator could easily determine that one of the parameter should be cost, as the representation is not limiting as to the use (background).

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

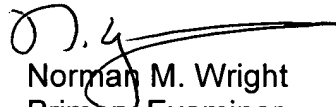
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (571) 272-3844. The examiner can normally be reached on weekdays, from 8AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Norman M. Wright  
Primary Examiner  
Art Unit 2134

nmw